PTO/SB/21 (02-04) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. 10/658,609 Application Number Filing Date September 8, 2003 **TRANSMITTAL FORM** First Named Inventor James F. Hainfeld (to be used for all correspondence after initial filing) Art Unit 1655 **Examiner Name** Ralph J. Gitomer Total Number of Pages in This Submission 6 6270-705.501 Attorney Docket Number ENCLOSURES (Check all that apply) After Allowance communication to Fee Transmittal Form Declaration Technology Center (TC) Assignment & Recordation Cover Appeal Communication to Board Fee Attached Sheet (Copy) of Appeals and Interferences Appeal Communication to TC Amendment / Response Petition (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information Provisional Application Affidavits/declaration(s) Power of Attorney by Assignee Status Letter Other Enclosure(s) Petition For Extension of Time Terminal Disclaimer (please identify below): Express Abandonment Request Request for Refund Information Disclosure Statement CD, Number of CD(s) Certified Copy of Priority Remarks Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY OR AGENT Firm Shirley Chen, Ph.D., Reg. No. 44,608 WILSON SONSINI GOODRICH & ROSATI Individual name Signature Date February 9, 2006 FILED BY EXPRESS MAIL on: Feb. 9, 2005 EXPRESS MAIL LABEL NO. EV 711 416 428 US Typed or printed name Donna L. Hengst

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PATENT

Attorney Docket No.: 6270-705.501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Confirmation No.: 2535
James F. Hainfeld	Group Art Unit: 1655
Application No. 10/658,609	Examiner: Ralph J. Gitomer
Filed: September 8, 2003	Customer No. 2197
For: KIT FOR DETECTING HER-2/NEU GENE) BY SITE-SPECIFIC METAL DEPOSITION)	
(as Amended)	•

RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. §1.111

M/S Amendment

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Introductory Comments:

In response to the Examiner's Office Action mailed on December 23, 2005, Applicants respectfully request reconsideration of the above-referenced application in view of the following amendment and remarks.

Amendment to the specification begins on page 2 of this paper.

List of the claims begins on page 3 of this paper.

Remarks begin on 4 of this paper.